

AMENDED IN SENATE APRIL 25, 2013

SENATE BILL

No. 198

Introduced by Senator Price

February 7, 2013

An act to amend Sections ~~2602 and 2607.5 of the Business and Professions Code, relating to healings arts.~~ 2071, 2603, 2604, 2607, 2607.5, 2608, 2608.5, 2611, 2612, 2614, 2615, 2620, 2620.7, 2621, 2630, 2636, 2636.5, 2638, 2651, 2660, 2660.2, 2660.3, 2660.5, 2661, 2661.7, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2672, and 2682 of, to amend the headings of Article 1 (commencing with Section 2600) of, and Article 2 (commencing with Section 2620) of, Chapter 5.7 of Division 2 of, to amend and renumber Section 2676 of, to amend and renumber the headings of Article 4 (commencing with Section 2650) of, Article 5 (commencing with Section 2660) of, Article 5.5 (commencing with Section 2662) of, Article 6 (commencing with Section 2670) of, Article 7 (commencing with Section 2680) of, and Article 8 (commencing with Section 2690) of, Chapter 5.7 of Division 2 of, to add Sections 2603.5, 2605, 2620.2, 2623, 2630.3, 2630.4, 2630.5, 2633.5, 2633.7, 2639.1, 2654, 2660.4, and 2660.8 to, to add the heading of Article 3 (commencing with Section 2635) to, and to add Article 4 (commencing with Section 2644) to, Chapter 5.7 of Division 2 of, to repeal Sections 2604.5, 2609, 2632, 2640, 2650.1, 2650.2, 2652, 2683, 2684, and 2685 of, to repeal the headings of Article 3 (commencing with Section 2630) of, and Article 6.5 (commencing with Section 2676) of, and to repeal Article 4.5 (commencing with Section 2655) of, Chapter 5.7 of Division 2 of, and to repeal and add Sections 2601, 2622, 2639, 2650, and 2653 of, the Business and Professions Code, and to amend Sections 12529 and 12529.5 of the Government Code, relating to physical therapy, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 198, as amended, Price. Physical Therapy Board of California.

(1) Existing law, the Physical Therapy Practice Act, provides for the licensure, approval, and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California within the Department of Consumer Affairs. A violation of the act is a crime.

This bill would revise and recast those provisions. Among other things, the bill would provide for the licensure of physical therapist assistants and impose additional requirements and authority on the board, including to enter into contracts for services necessary for enforcement of the act. The bill would revise the composition of the board and prescribe the duties of the board. The bill would authorize the board, by regulation, to prescribe, amend, or repeal any rules contained within a code of professional conduct appropriate to the establishment and maintenance of integrity and dignity in the profession of physical therapy. The board would modify the definition of physical therapy to include reducing the risk of injury, impairment, functional limitation, and disability. The bill would provide exemptions from the licensure requirements for students and physical therapists licensed in other jurisdictions, as specified. The bill would also make related, technical changes.

This bill would also expand the acts that constitute unprofessional conduct to include, among other things, practicing or offering to practice beyond the scope of practice of physical therapy and unlawful possession, use, or conviction of a criminal offense involving a controlled substance. The bill would impose a civil penalty upon a licensee who fails to, or refuses to, comply with a request from the board for the medical records of a patient, as specified. By revising the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law establishes in the Department of Justice the Health Quality Enforcement Section, the primary responsibility of which is to prosecute proceedings against licensees and applicants within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, or any committee under the jurisdiction of the Medical Board of California, and to provide ongoing review of the investigative activities conducted in support of those prosecutions. Existing law requires that the funding of the section from the special funds financing the operations of those boards and the

committees under the jurisdiction of the Medical Board of California, with the intent that the expenses be proportionally shared as to services rendered.

This bill would additionally include among the primary responsibility of the Section prosecution of proceedings against those licensees and applicants within the jurisdiction of the Physical Therapy Board of California. The bill would also require the funding for the section to be budgeted from the special funds financing the operation of the Physical Therapy Board of California, which is continuously appropriated, thereby making an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists by the Physical Therapy Board of California. Existing law authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2014.~~

~~This bill would instead repeal these provisions on January 1, 2018.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2071 of the Business and Professions
2 Code is amended to read:
3 2071. The ~~Division of Licensing~~ board shall adopt and
4 administer regulations that establish standards for technical
5 supportive services that may be performed by a medical assistant.
6 Nothing in this section shall prohibit the board ~~or division~~ from
7 amending or repealing regulations covering medical assistants.
8 The board ~~or division~~ shall, prior to the adoption of any regulations,
9 request recommendations regarding these standards from
10 appropriate public agencies, including, but not limited to, the State
11 Board of Optometry, the Board of Registered Nursing, the Board
12 of Vocational Nursing and Psychiatric Technicians, the Laboratory
13 Field Services division of the State Department of *Public* Health

Services, those divisions of the State Department of Education that pertain to private postsecondary education and career and vocational preparation, the Chancellor of the California Community Colleges, the California Board of Podiatric Medicine, the Physician Assistant Examining Committee, and the Physical Therapy Examining Committee *Board of California*. The ~~Division of Licensing~~ board shall also request recommendations regarding these standards from associations of medical assistants, physicians and surgeons, nurses, doctors of podiatric medicine, physician assistants, physical therapists, laboratory technologists, optometrists, and others as the board or division finds appropriate, including, but not limited to, the California Optometric Association, the California Nurses Association, the California Medical Association, the California Society of Medical Assistants, the California Medical Assistants' Association, and the California Chapter of the American Physical Therapy Association. Nothing in this section shall be construed to supersede or modify that portion of the Administrative Procedure Act ~~which~~ that relates to the procedure for the adoption of regulations and which is set forth in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. *The heading of Article 1 (commencing with Section 2600) of Chapter 5.7 of Division 2 of the Business and Professions Code is amended to read:*

Article 1. *Administration and General Provisions*

SEC. 3. *Section 2601 of the Business and Professions Code is repealed.*

~~2601. "Board" as used in this chapter means the Physical Therapy Board of California.~~

SEC. 4. *Section 2601 is added to the Business and Professions Code, to read:*

2601. *For the purpose of this chapter, the following terms shall have the following meanings, unless otherwise specified:*

(a) *"Board" means the Physical Therapy Board of California.*

(b) *"Physical therapist" means a person who is licensed pursuant to this chapter to practice physical therapy.*

(c) *"Physical therapist assistant" means a person who is licensed pursuant to this chapter to assist in the provision of*

1 *physical therapy under the supervision of a licensed physical*
2 *therapist. “Physical therapy assistant” and “physical therapist*
3 *assistant” shall be deemed identical and interchangeable terms.*

4 (d) *“Physical therapist technician” and “physical therapy aide,”*
5 *as described in Section 2630.4, shall be deemed identical and*
6 *interchangeable terms.*

7 (e) *“Physiotherapy” shall be synonymous with “physical*
8 *therapy.”*

9 SEC. 5. *Section 2603 of the Business and Professions Code is*
10 *amended to read:*

11 2603. The members of the board ~~shall consist of the following:~~
12 ~~one physical therapist involved in the education of physical~~
13 ~~therapists, three physical therapists who shall have practiced~~
14 ~~physical therapy for five years and shall be licensed by the board,~~
15 ~~and three public members who shall not be licentiates of the board~~
16 ~~or of any other board under the Medical Board of California or of~~
17 ~~any board referred to in Sections 1000 and 3600. four physical~~
18 ~~therapists, only one of whom shall be involved in physical therapy~~
19 ~~education, and three public members.~~

20 SEC. 6. *Section 2603.5 is added to the Business and Professions*
21 *Code, to read:*

22 2603.5. (a) *The physical therapist members of the board shall*
23 *be appointed from persons having all of the following*
24 *qualifications:*

25 (1) *Be a resident of California.*

26 (2) *Possess an unrestricted license in California issued pursuant*
27 *to this chapter.*

28 (3) *Have been licensed pursuant to this chapter and practicing*
29 *in California for at least five years prior to appointment to the*
30 *board.*

31 (b) (1) *The public members of the board shall have both of the*
32 *following qualifications:*

33 (A) *Be appointed from persons having all of the qualifications*
34 *as set forth in Chapter 6 (commencing with Section 450) of*
35 *Division 1.*

36 (B) *Be a resident of California.*

37 (2) *No public member of the board shall be, nor have been, any*
38 *of the following:*

39 (A) *An officer or faculty member of any college, school, or*
40 *institution involved in physical therapy education.*

1 (B) A licentiate of the Medical Board of California or of any
2 board under this division or of any board referred to in Section
3 1000 or 3600.

4 SEC. 7. Section 2604 of the Business and Professions Code is
5 amended to read:

6 2604. The members of the board shall be appointed for a term
7 of four years, expiring on the first day of June of each year.

8 The Governor shall appoint one of the public members and the
9 four physical therapist members of the board qualified as provided
10 in ~~Section~~ Sections 2603 and 2603.5. The Senate Rules Committee
11 on Rules and the Speaker of the Assembly shall each appoint a
12 public member, ~~and their initial appointment shall be made to fill,~~
13 ~~respectively, the first and second public member vacancies which~~
14 ~~occur on or after January 1, 1983; qualified as provided in Section~~
15 2603.5.

16 ~~Not more than one member of the board shall be appointed from~~
17 ~~the full-time faculty of any university, college, or other educational~~
18 ~~institution.~~

19 No person may serve as a member of the board for more than
20 two consecutive terms. Vacancies shall be filled by appointment
21 for the unexpired term. Annually, the board shall elect one of its
22 members as president *and one of its members as vice president.*

23 The appointing power shall have the power to remove any
24 member of the board from office for neglect of any duty required
25 by law or for incompetency or unprofessional or dishonorable
26 conduct.

27 SEC. 8. Section 2604.5 of the Business and Professions Code
28 is repealed.

29 ~~2604.5. The public members shall be appointed from persons~~
30 ~~having all of the following qualifications:~~

31 ~~(a) Be a citizen of California.~~

32 ~~(b) Shall not be an officer or faculty member of any college,~~
33 ~~school or institution engaged in physical therapy education.~~

34 ~~(c) Shall not be a licentiate of the Medical Board of California~~
35 ~~or of any board under this division or of any board referred to in~~
36 ~~Sections 1000 and 3600.~~

37 SEC. 9. Section 2605 is added to the Business and Professions
38 Code, to read:

39 2605. The board shall do all of the following:

40 (a) Evaluate the qualifications of applicants for licensure.

1 ***(b) Provide for the examinations of physical therapists and***
2 ***physical therapist assistants and establish a passing score for each***
3 ***examination.***

4 ***(c) Issue all licenses for the practice of physical therapy in***
5 ***California. Except as otherwise required by the director pursuant***
6 ***to Section 164, the license issued by the board shall describe the***
7 ***licensee as a “physical therapist” or “physical therapist assistant”***
8 ***licensed by the Physical Therapy Board of California.***

9 ***(d) Suspend and revoke licenses and otherwise enforce the***
10 ***provisions of this chapter.***

11 ***(e) Administer a continuing competency program.***

12 ***(f) Participate, as a member, in the Delegate Assembly, and in***
13 ***applicable committee meetings, of the Federation of State Boards***
14 ***of Physical Therapy.***

15 ***(g) Publish, at least annually, a newsletter that includes, but is***
16 ***not limited to, actions taken by the board, disciplinary actions,***
17 ***and relevant statutory and regulatory changes.***

18 ***(h) Provide for the timely orientation and training of new***
19 ***professional and public member appointees to the board directly***
20 ***related to board licensing and disciplinary functions and board***
21 ***rules, policies, and procedures.***

22 ***(i) Adopt and administer a program of education in matters***
23 ***relevant to the regulation of physical therapy.***

24 ***SEC. 10. Section 2607 of the Business and Professions Code***
25 ***is amended to read:***

26 ***2607. The board may employ, subject to law, such clerical***
27 ***assistants and, except as provided in Section 159.5, other***
28 ***employees as it may deem necessary to carry out its powers and***
29 ***duties.***

30 ***The board may enter into contracts for services necessary for***
31 ***enforcement of this chapter and may as necessary select and***
32 ***contract with physical therapy consultants who are licensed***
33 ***physical therapists to assist it in its programs on an intermittent***
34 ***basis. Notwithstanding any other provision of law, the board may***
35 ***contract with these consultants on a sole source basis. For the***
36 ***purposes of Division 3.6 (commencing with Section 810) of Title***
37 ***1 of the Government Code, any consultant under contract with the***
38 ***board shall be considered a public employee.***

39 ***SEC. 11. Section 2607.5 of the Business and Professions Code***
40 ***is amended to read:***

1 2607.5. (a) ~~The board may appoint a person exempt from civil~~
2 ~~service who shall be designated as an executive officer and who~~
3 ~~shall exercise the powers and perform the duties delegated by the~~
4 ~~board and vested in him or her by this chapter. The board may~~
5 *employ an executive officer exempt from the provisions of the Civil*
6 *Service Act and may also employ investigators, legal counsel,*
7 *physical therapist consultants, and other assistance as it may deem*
8 *necessary to carry out this chapter. The board may fix the*
9 *compensation to be paid for services and may incur other expenses*
10 *as it may deem necessary. Investigators employed by the board*
11 *shall be provided special training in investigating physical therapy*
12 *practice activities.*

13 (b) *The Attorney General shall act as legal counsel for the board*
14 *for any judicial and administrative proceedings and his or her*
15 *services shall be a charge against it.*

16 ~~(b)~~

17 (c) *This section shall remain in effect only until January 1, 2014*
18 *2018, and as of that date is repealed, unless a later enacted statute,*
19 *that is enacted before January 1, 2014 2018, deletes or extends*
20 *that date.*

21 *SEC. 12. Section 2608 of the Business and Professions Code*
22 *is amended to read:*

23 2608. The procedure in all matters and proceedings relating to
24 the denial, suspension, ~~or~~ revocation, *or probationary restriction*
25 of licenses *issued by the board* under this chapter shall be governed
26 by the provisions of Chapter 5 (commencing with Section 11500)
27 of Part 1 of Division 3 of Title 2 of the Government Code.

28 *SEC. 13. Section 2608.5 of the Business and Professions Code*
29 *is amended to read:*

30 2608.5. Each member of the board, or any licensed physical
31 therapist appointed by the board, may inspect, or require reports
32 from, a general or specialized hospital or any other facility
33 providing physical therapy care, treatment or services and the
34 physical therapy staff thereof, with respect to the physical therapy
35 care, treatment, services, or facilities provided therein, and may
36 inspect physical therapy patient records with respect to the care,
37 treatment, services, or facilities. The authority to make inspections
38 and to require reports as provided by this section shall not be
39 delegated by a member of the board to any person other than a

1 physical therapist and shall be subject to the restrictions against
2 disclosure described in *subdivision (u)* of Section ~~2263~~ 2660.

3 *SEC. 14. Section 2609 of the Business and Professions Code*
4 *is repealed.*

5 ~~2609. The board shall issue, suspend, and revoke licenses and~~
6 ~~approvals to practice physical therapy as provided in this chapter.~~

7 *SEC. 15. Section 2611 of the Business and Professions Code*
8 *is amended to read:*

9 2611. The board shall ~~hold at least one regular meeting annually~~
10 ~~in the Cities of Sacramento, Los Angeles and San Francisco. meet~~
11 ~~at least three times each calendar year, meeting at least once each~~
12 ~~calendar year in northern California and once each calendar year~~
13 ~~in southern California.~~ The board may convene from time to time
14 until its business is concluded. Special meetings of the board may
15 be held at any time and place as the board may designate. *Four*
16 *members of the board shall constitute a quorum for the transaction*
17 *of business.*

18 *SEC. 16. Section 2612 of the Business and Professions Code*
19 *is amended to read:*

20 2612. ~~Notice of each meeting of the~~ The board shall be given
21 ~~in accordance~~ *comply* with the Bagley-Keene Open Meeting Act
22 (Article 9 (commencing with Section 11120) of Chapter 1 of Part
23 1 of Division 3 of Title 2 of the Government Code).

24 *SEC. 17. Section 2614 of the Business and Professions Code*
25 *is amended to read:*

26 2614. (a) The board shall hear all matters, including but not
27 limited to, any contested case or any petition for reinstatement,
28 restoration, or modification of probation. Except as otherwise
29 provided in this chapter, all hearings shall be conducted in
30 accordance with Chapter 5 (commencing with Section 11500) of
31 Part 1 of Division 3 of Title 2 of the Government Code. If a
32 contested case is heard by the board the hearing officer who
33 presided at the hearing shall be present during the board's
34 consideration of the case and, if requested, shall assist and advise
35 the board. *The board shall issue its decision pursuant to Section*
36 *11517 of the Government Code.*

37 (b) ~~At the conclusion of the hearing, the board shall deny an~~
38 ~~application for, or suspend or revoke, or impose probation~~
39 ~~conditions upon, a license or approval.~~

1 *SEC. 18. Section 2615 of the Business and Professions Code*
2 *is amended to read:*

3 2615. The board shall ~~from time to time~~ adopt *those* regulations
4 that as may be necessary to effectuate this chapter. In adopting
5 regulations the board shall comply with Chapter 3.5 (commencing
6 with Section 11340) of Part 1 of Division 3 of Title 2 of the
7 Government Code.

8 *SEC. 19. The heading of Article 2 (commencing with Section*
9 *2620) of Chapter 5.7 of Division 2 of the Business and Professions*
10 *Code is amended to read:*

11
12 Article 2. ~~General Provisions~~ *Scope of Regulation and*
13 *Exemptions*
14

15 *SEC. 20. Section 2620 of the Business and Professions Code*
16 *is amended to read:*

17 2620. ~~(a) Physical therapy means the art and science of~~
18 ~~physical or corrective rehabilitation or of physical or corrective~~
19 ~~treatment of any bodily or mental condition of any person by the~~
20 ~~use of the physical, chemical, and other properties of heat, light,~~
21 ~~water, electricity, sound, massage, and active, passive, and resistive~~
22 ~~exercise, and shall include physical therapy evaluation, treatment~~
23 ~~planning, instruction and consultative services. The practice of~~
24 ~~physical therapy includes the promotion and maintenance of~~
25 ~~physical fitness to enhance the bodily movement related health~~
26 ~~and wellness of individuals through the use of physical therapy~~
27 ~~interventions. The use of roentgen rays and radioactive materials,~~
28 ~~for diagnostic and therapeutic purposes, and the use of electricity~~
29 ~~for surgical purposes, including cauterization, are not authorized~~
30 ~~under the term "physical therapy" as used in this chapter, and a~~
31 ~~license issued pursuant to this chapter does not authorize the~~
32 ~~diagnosis of disease.~~ *person. Physical therapy includes all of the*
33 *following:*

34 *(a) Examining, evaluating, and testing persons with mechanical,*
35 *physiological, and developmental impairments, functional*
36 *limitations, and disabilities or other health and movement-related*
37 *conditions in order to develop a plan of therapeutic intervention.*

38 *(b) Alleviating impairments, functional limitations, and*
39 *disabilities by designing, implementing, and modifying therapeutic*
40 *interventions that may include, but are not limited to, therapeutic*

1 *exercise; functional training in self-care and in-home, community,*
2 *or work integration or reintegration; manual therapy; therapeutic*
3 *massage; prescription, application, and, as appropriate,*
4 *fabrication of assistive, adaptive, orthotic, prosthetic, protective,*
5 *and supportive devices and equipment; airway clearance*
6 *techniques; integumentary protection and repair techniques;*
7 *debridement and wound care; physical agents or modalities;*
8 *mechanical and electrical therapeutic modalities; and*
9 *patient-related instruction.*

10 *(c) Reducing the risk of injury, impairment, functional limitation,*
11 *and disability.*

12 *(d) Promoting and maintaining physical fitness to enhance the*
13 *bodily movement-related health and wellness of individuals through*
14 *the use of physical therapy interventions.*

15 ~~*(b) Nothing in this section shall be construed to restrict or*~~
16 ~~*prohibit other healing arts practitioners licensed or registered under*~~
17 ~~*this division from practice within the scope of their license or*~~
18 ~~*registration.*~~

19 *SEC. 21. Section 2620.2 is added to the Business and*
20 *Professions Code, to read:*

21 *2620.2. Nothing in this chapter shall restrict or prohibit other*
22 *healing arts practitioners licensed or registered under this division*
23 *from practice within the scope of their license or registration.*

24 *SEC. 22. Section 2620.7 of the Business and Professions Code*
25 *is amended to read:*

26 ~~*2620.7. (a) A physical therapist shall document his or her*~~
27 ~~*evaluation, goals, treatment plan, and summary of treatment in the*~~
28 ~~*patient record. Patient records shall be documented as required*~~
29 ~~*in regulations promulgated by the board.*~~

30 ~~*(b) A physical therapist shall document the care actually*~~
31 ~~*provided to a patient in the patient record.*~~

32 ~~*(c) A physical therapist shall sign the patient record legibly.*~~

33 ~~*(d)*~~

34 *(b) Patient records shall be maintained for a period of no less*
35 *than seven years following the discharge of the patient, except that*
36 *the records of unemancipated minors shall be maintained at least*
37 *one year after the minor has reached the age of 18 years, and not*
38 *in any case less than seven years.*

39 *SEC. 23. Section 2621 of the Business and Professions Code*
40 *is amended to read:*

1 2621. ~~Nothing in this chapter shall be construed as authorizing~~
2 *This chapter does not authorize* a physical therapist to *diagnose*
3 *disease, or practice medicine, surgery, or any other form of healing*
4 except as authorized by Section 2620.

5 SEC. 24. *Section 2622 of the Business and Professions Code*
6 *is repealed.*

7 2622. ~~“Physical therapist” and “physical therapist technician”~~
8 ~~mean a person who is licensed pursuant to this chapter to practice~~
9 ~~physical therapy. For purposes of this chapter, the term “physical~~
10 ~~therapy” and “physiotherapy” shall be deemed identical and~~
11 ~~interchangeable.~~

12 SEC. 25. *Section 2622 is added to the Business and Professions*
13 *Code, to read:*

14 2622. (a) *A physical therapist shall be responsible for*
15 *managing all aspects of the care of each patient as set forth in*
16 *regulations promulgated by the board.*

17 (b) *A physical therapist shall not supervise more than two*
18 *physical therapist assistants at one time to assist the physical*
19 *therapist in his or her practice of physical therapy.*

20 (c) *A physical therapist may utilize the services of one aide*
21 *engaged in patient-related tasks to aid the physical therapist in*
22 *his or her practice of physical therapy.*

23 SEC. 26. *Section 2623 is added to the Business and Professions*
24 *Code, to read:*

25 2623. *The board may, by regulation, prescribe, amend, or*
26 *repeal any rules contained within a code of professional conduct*
27 *appropriate to the establishment and maintenance of integrity and*
28 *dignity in the profession of physical therapy. Every licensee of the*
29 *board shall be governed and controlled by the rules and standards*
30 *adopted by the board.*

31 SEC. 27. *The heading of Article 3 (commencing with Section*
32 *2630) of Chapter 5.7 of Division 2 of the Business and Professions*
33 *Code is repealed.*

34
35 Article 3. ~~Licensing of Practitioners~~
36

37 SEC. 28. *Section 2630 of the Business and Professions Code*
38 *is amended to read:*

39 2630. *It is unlawful for any person or persons to practice, or*
40 *offer to practice, physical therapy in this state for compensation*

1 received or expected, or to hold himself or herself out as a physical
2 therapist, unless at the time of so doing the person holds a valid,
3 unexpired, and unrevoked *physical therapist* license issued under
4 this chapter, *except as authorized by subdivisions (c), (d), (e), and*
5 *(g) of Section 2630.5.*

6 ~~Nothing in this section shall restrict the activities authorized by~~
7 ~~their licenses on the part of any persons licensed under this code~~
8 ~~or any initiative act, or the activities authorized to be performed~~
9 ~~pursuant to Article 4.5 (commencing with Section 2655) or Chapter~~
10 ~~7.7 (commencing with Section 3500).~~

11 ~~A physical therapist licensed pursuant to this chapter may utilize~~
12 ~~the services of one aide engaged in patient-related tasks to assist~~
13 ~~the physical therapist in his or her practice of physical therapy.~~
14 ~~“Patient-related task” means a physical therapy service rendered~~
15 ~~directly to the patient by an aide, excluding non-patient-related~~
16 ~~tasks. “Non-patient-related task” means a task related to~~
17 ~~observation of the patient, transport of the patient, physical support~~
18 ~~only during gait or transfer training, housekeeping duties, clerical~~
19 ~~duties, and similar functions. The aide shall at all times be under~~
20 ~~the orders, direction, and immediate supervision of the physical~~
21 ~~therapist. Nothing in this section shall authorize an aide to~~
22 ~~independently perform physical therapy or any physical therapy~~
23 ~~procedure. The board shall adopt regulations that set forth the~~
24 ~~standards and requirements for the orders, direction, and immediate~~
25 ~~supervision of an aide by a physical therapist. The physical~~
26 ~~therapist shall provide continuous and immediate supervision of~~
27 ~~the aide. The physical therapist shall be in the same facility as, and~~
28 ~~in proximity to, the location where the aide is performing~~
29 ~~patient-related tasks, and shall be readily available at all times to~~
30 ~~provide advice or instruction to the aide. When patient-related~~
31 ~~tasks are provided to a patient by an aide, the supervising physical~~
32 ~~therapist shall, at some point during the treatment day, provide~~
33 ~~direct service to the patient as treatment for the patient’s condition,~~
34 ~~or to further evaluate and monitor the patient’s progress, and shall~~
35 ~~correspondingly document the patient’s record.~~

36 ~~The administration of massage, external baths, or normal exercise~~
37 ~~not a part of a physical therapy treatment shall not be prohibited~~
38 ~~by this section.~~

39 *SEC. 29. Section 2630.3 is added to the Business and*
40 *Professions Code, to read:*

1 2630.3. (a) A licensed physical therapist assistant holding a
2 valid, unexpired, and unrevoked physical therapist assistant license
3 may assist in the provision of physical therapy services only under
4 the supervision of a physical therapist licensed by the board. A
5 licensed physical therapist shall at all times be responsible for the
6 extent, kind, quality, and documentation of all physical therapy
7 services provided by the physical therapist assistant.

8 (b) It is unlawful for any person or persons to hold himself or
9 herself out as a physical therapist assistant, unless at the time of
10 so doing the person holds a valid, unexpired, and unrevoked
11 physical therapist assistant license issued under this chapter;
12 except as authorized in subdivisions (f) and (g) of Section 2630.5.

13 (c) Physical therapist assistants shall not be independently
14 supervised by a physical therapist license applicant, as defined in
15 Section 2639, or a physical therapist student, as defined in Section
16 2633.7.

17 (d) A physical therapist assistant shall not perform any
18 evaluation of a patient or prepare a discharge summary. The
19 supervising physical therapist shall determine which elements of
20 the treatment plan, if any, shall be assigned to the physical
21 therapist assistant. Assignment of patient care shall be
22 commensurate with the competence of the physical therapist
23 assistant.

24 SEC. 30. Section 2630.4 is added to the Business and
25 Professions Code, to read:

26 2630.4. (a) A “physical therapy aide” is an unlicensed person,
27 at least 18 years of age, who aids a licensed physical therapist
28 consistent with subdivision (b).

29 (b) The aide shall at all times be under the supervision of the
30 physical therapist. An aide shall not independently perform
31 physical therapy or any physical therapy procedure. The board
32 shall adopt regulations that set forth the standards and
33 requirements for the supervision of an aide by a physical therapist.

34 (c) Physical therapy aides shall not be independently supervised
35 by a physical therapist license applicant, as defined in Section
36 2639, or a physical therapist student, as defined in Section 2633.7.

37 (d) This section does not prohibit the administration by a
38 physical therapy aide of massage, external baths, or normal
39 exercise not a part of a physical therapy treatment.

1 *SEC. 31. Section 2630.5 is added to the Business and*
2 *Professions Code, to read:*

3 *2630.5. The following persons are exempt from the licensure*
4 *requirements of this chapter when engaged in the following*
5 *activities:*

6 *(a) A regularly matriculated physical therapist student*
7 *undertaking a course of professional instruction in an approved*
8 *entry-level physical therapy education program or enrolled in a*
9 *program of supervised clinical education under the direction of*
10 *an approved physical therapy education program as described in*
11 *Section 2651. These physical therapist students may perform*
12 *physical therapy as a part of their course of study.*

13 *(b) A regularly matriculated physical therapist assistant student*
14 *undertaking a course of instruction in an approved physical*
15 *therapy education program or enrolled in a program of supervised*
16 *clinical education under the direction of an approved physical*
17 *therapy education program as described in Section 2651. These*
18 *physical therapist assistant students may perform physical therapy*
19 *techniques as a part of their course of study.*

20 *(c) A physical therapist who holds an unrestricted license in*
21 *another jurisdiction of the United States or credentialed to practice*
22 *physical therapy in another country if that person is researching,*
23 *demonstrating, or providing physical therapy in connection with*
24 *teaching or participating in an educational seminar of no more*
25 *than 60 days in a calendar year.*

26 *(d) A physical therapist located outside this state, when in actual*
27 *consultation, whether within this state or across state lines, with*
28 *a licensed physical therapist of this state, or when he or she is an*
29 *invited guest of the American Physical Therapy Association or*
30 *one of its components, or an invited guest of an approved physical*
31 *therapy school or college for the sole purpose of engaging in*
32 *professional education through lectures, clinics, or demonstrations,*
33 *if, at the time of the consultation, lecture, or demonstration, he or*
34 *she holds an unrestricted physical therapist license in the state or*
35 *country in which he or she resides. The physical therapist shall*
36 *not open an office, appoint a place to meet patients, receive calls*
37 *from patients within the limits of this state, give orders, or have*
38 *ultimate authority over the care of a physical therapy patient who*
39 *is located within this state.*

1 (e) A physical therapist who holds an unrestricted license in
2 another jurisdiction of the United States or credentialed to practice
3 physical therapy in another country if that person, by contract or
4 employment, is providing physical therapy to individuals affiliated
5 with or employed by established athletic teams, athletic
6 organizations, or performing arts companies temporarily
7 practicing, competing, or performing in the state for no more than
8 60 days in a calendar year.

9 (f) A physical therapist assistant who holds an unrestricted
10 license in another jurisdiction of the United States and is assisting
11 a physical therapist engaged in activities described in subdivision
12 (c), (d), or (e).

13 (g) A physical therapist or physical therapist assistant who has
14 a current, valid, and unrestricted license in a jurisdiction of the
15 United States who is forced to leave his or her residence in a state
16 other than California due to a governmentally declared emergency.
17 This exemption applies for no more than 60 days following the
18 declaration of the emergency. In order to be eligible for this
19 exemption, the physical therapist or physical therapist assistant
20 shall notify the board of his or her intent to practice in this state
21 and provide a valid mailing address, telephone number, and e-mail
22 address.

23 SEC. 32. Section 2632 of the Business and Professions Code
24 is repealed.

25 ~~2632. All licenses for the practice of physical therapy in this~~
26 ~~state shall be issued by the board, and all applications for the~~
27 ~~licenses shall be filed with the board. Excepting as otherwise~~
28 ~~required by the director pursuant to Section 164, the license issued~~
29 ~~by the board shall describe the licensee as a “physical therapist~~
30 ~~licensed by the Physical Therapy Board of California.”~~

31 ~~Each application shall be accompanied by the application fee~~
32 ~~prescribed by Section 2688, shall be signed by the applicant, and~~
33 ~~shall contain a statement under oath of the facts entitling the~~
34 ~~applicant to receive a license without examination or to take an~~
35 ~~examination.~~

36 SEC. 33. Section 2633.5 is added to the Business and
37 Professions Code, to read:

38 2633.5. (a) Only a person licensed as a physical therapist
39 assistant by the board may use the title “physical therapist
40 assistant” or “physical therapy assistant” or the letters “PTA”

1 *or any other words, letters, or figures that indicate that the person*
2 *is a physical therapist assistant licensed pursuant to this chapter.*

3 *(b) The license of a physical therapist assistant shall not*
4 *authorize the use of the prefix “LPT,” “RPT,” “PT,” or Dr.,” or*
5 *the title “physical therapist,” “therapist,” “doctor,” or any affix*
6 *indicating or implying that the physical therapist assistant is a*
7 *physical therapist or doctor.*

8 *SEC. 34. Section 2633.7 is added to the Business and*
9 *Professions Code, to read:*

10 *2633.7. During a period of clinical practice described in*
11 *Section 2650 or in any similar period of observation of related*
12 *educational experience involving recipients of physical therapy,*
13 *a person so engaged shall be identified only as a “physical*
14 *therapist student” or a “physical therapist assistant student,” as*
15 *authorized by the board in its regulations.*

16 *SEC. 35. The heading of Article 3 (commencing with Section*
17 *2635) is added to Chapter 5.7 of Division 2 of the Business and*
18 *Professions Code, to read:*

19
20 *Article 3. Qualifications and Requirements for Licensure*
21

22 *SEC. 36. Section 2636 of the Business and Professions Code*
23 *is amended to read:*

24 *2636. (a) Except as otherwise provided in this chapter, no*
25 *person shall receive a license under this chapter without first*
26 *successfully passing the following examinations, where success*
27 *is determined based on the examination passing standard set by*
28 *the board:*

29 *(1) An examination under the direction of the board to*
30 *demonstrate the applicant’s knowledge of the laws and regulations*
31 *related to the practice of physical therapy in California. The*
32 *examination shall reasonably test the applicant’s knowledge of*
33 *these laws and regulations.*

34 *(2) The ~~national~~ physical therapy examination for the applicant’s*
35 *licensure category. The examination for licensure as a physical*
36 *therapist shall test entry-level competence to practice physical*
37 *therapy. The examination for licensure as a physical therapist*
38 *assistant shall test entry-level competence to practice as a physical*
39 *therapist assistant in the technical application of physical therapy*
40 *services.*

1 (b) An applicant may take the examinations for licensure as a
2 physical therapist or for licensure as a physical therapist assistant
3 after the applicant has met the educational requirements for that
4 particular category of licensure.

5 (c) The examinations required by the board for a license under
6 this chapter may be conducted by the board or by a public or
7 private organization specified by the board. The examinations may
8 be conducted under a uniform examination system and, for that
9 purpose, the board may make arrangements with organizations
10 furnishing examination materials as may, in its discretion, be
11 desirable.

12 ~~(d) The board shall establish a passing score for the examinations~~
13 ~~for licensure as a physical therapist and for the examinations for~~
14 ~~licensure as a physical therapist assistant. The board shall issue a~~
15 ~~license to an applicant who is otherwise qualified for licensure~~
16 ~~under this chapter and who receives a passing score as established~~
17 ~~by the board on the examinations.~~

18 *SEC. 37. Section 2636.5 of the Business and Professions Code*
19 *is amended to read:*

20 2636.5. (a) An applicant may be issued a license without a
21 written examination if he or she meets all of the following:

22 (1) He or she is at the time of application licensed ~~or registered~~
23 as a physical therapist *or physical therapist assistant* in a state,
24 district, or territory of the United States having, in the opinion of
25 the board, requirements for licensing ~~or registration~~ equal to or
26 higher than those in California, and he or she has passed, to the
27 satisfaction of the board, an examination for licensing ~~or~~
28 ~~registration~~ that is, in the opinion of the board, comparable to the
29 examination used in this state.

30 (2) He or she is a graduate of a physical therapist *or physical*
31 *therapist assistant* education program approved by the board, or
32 has met the requirements of Section 2639.1, 2653, *or* 2654.

33 (3) He or she files an application ~~as provided in Section 2632~~
34 ~~with the board~~ and meets the requirements prescribed by Sections
35 2635 and 2650.

36 (b) An applicant for licensure under subdivision (a), whose
37 application is based on a certificate issued by a physical therapy
38 licensing authority of another state may be required to ~~pass an oral~~
39 ~~examination given by the board and~~ file a statement of past work
40 activity.

1 (c) An applicant who has filed a physical therapy application
2 under this section with the board for the first time may, between
3 the date of receipt of notice that his or her application is on file
4 and the date of receipt of his or her license, perform as a physical
5 therapist under the ~~direct and immediate~~ supervision of a physical
6 therapist licensed in this state.

7 During this period the applicant shall identify himself or herself
8 only as a “physical therapist *license applicant*” or “*physical*
9 *therapist assistant license applicant*,” *as appropriate*.

10 If the applicant under this section does not qualify and receive
11 a license as provided in this section and does not qualify under
12 Section 2639, all privileges under this section shall terminate upon
13 notice by ~~certified mail, return receipt requested~~ *the board*. An
14 applicant may only qualify once to perform as a physical therapist
15 license applicant.

16 *SEC. 38. Section 2638 of the Business and Professions Code*
17 *is amended to read:*

18 2638. Any applicant for licensure as a physical therapist *or*
19 *physical therapist assistant* who fails to pass the examination
20 required by the board may take another examination and shall pay
21 the reexamination fee.

22 *SEC. 39. Section 2639 of the Business and Professions Code*
23 *is repealed.*

24 ~~2639. Every graduate of an approved physical therapist~~
25 ~~education program who has filed a complete application for~~
26 ~~licensure with the board for the first time may, following receipt~~
27 ~~of a letter of authorization to perform as a “physical therapist~~
28 ~~license applicant,” perform as a physical therapist under the direct~~
29 ~~and immediate supervision of a physical therapist licensed in this~~
30 ~~state pending the results of the first licensing examination~~
31 ~~administered for which he or she is eligible following graduation~~
32 ~~from an approved physical therapist education program. During~~
33 ~~this period the applicant shall identify himself or herself only as~~
34 ~~a “physical therapist license applicant.” If the applicant passes the~~
35 ~~examination, the physical therapist license applicant status shall~~
36 ~~remain in effect until a regular renewable license is issued, or~~
37 ~~licensure is denied, by the board. If the applicant fails the licensing~~
38 ~~examination, or if he or she passes the examination but licensure~~
39 ~~is denied, the applicant shall be prohibited from performing as a~~
40 ~~physical therapist license applicant at any time in the future.~~

1 A person shall not be considered a graduate unless he or she has
2 successfully completed all the clinical training and internships
3 required for graduation from the program.

4 If the applicant fails to take the next succeeding examination
5 without due cause or fails to pass the examination or receive a
6 license, all privileges under this section shall terminate upon notice
7 by certified mail, return receipt requested. An applicant may only
8 qualify once to perform as a physical therapist license applicant.

9 SEC. 40. Section 2639 is added to the Business and Professions
10 Code, to read:

11 2639. (a) (1) Every graduate of an approved physical therapy
12 education program who has filed a complete application, as defined
13 in regulation, for licensure with the board and has been awarded
14 either physical therapist license applicant status or physical
15 therapist assistant license applicant status shall practice under
16 the supervision of a licensed physical therapist pursuant to this
17 chapter for no more than 120 days pending the results of the first
18 licensing examination administered. If the applicant passes the
19 examination, the physical therapist license applicant status or
20 physical therapist assistant license applicant status shall remain
21 in effect until a regular renewable license is issued, or licensure
22 is denied, by the board. A supervising physical therapist shall
23 document receipt of the letter authorizing the physical therapist
24 license applicant status or physical therapist assistant license
25 applicant status and record the expiration date of that status in
26 the employee record. A supervising physical therapist shall require
27 the applicant to provide documentation of the license issued at the
28 conclusion of the physical therapist license applicant status or
29 physical therapist assistant license applicant status. During this
30 period the applicant shall identify himself or herself only as
31 "physical therapist license applicant" or "physical therapist
32 assistant license applicant," as appropriate.

33 (2) A person shall not be considered a graduate unless he or
34 she has successfully completed all the clinical training and
35 internship required for graduation from the education program.

36 (3) A person who has filed a complete application pursuant to
37 Section 2636.5 may be issued license applicant status authorizing
38 that individual to practice under the provisions described in
39 paragraph (1).

(b) A physical therapist license applicant who has been awarded license applicant status may perform as a physical therapist if he or she is under the supervision of a physical therapist licensed by the board. A physical therapist assistant license applicant who has been awarded license applicant status may perform as a physical therapist assistant if he or she is under the supervision of a physical therapist licensed by the board. The applicant shall comply with any requirements applicable to the license for which he or she applied. An applicant may not perform in those capacities if he or she fails the first examination attempt.

SEC. 41. Section 2639.1 is added to the Business and Professions Code, to read:

2639.1. A person seeking licensure as a physical therapist assistant having, in the opinion of the board, training or experience, or a combination of training and experience, equivalent to that obtained in an approved physical therapist assistant education program, and who is, at the time of application, a person over 18 years of age, not addicted to alcohol or any controlled substance, and who has not committed acts or crimes constituting grounds for denial of licensure under Section 480 may apply to the board for licensure.

SEC. 42. Section 2640 of the Business and Professions Code is repealed.

~~2640. (a) If the board uses computer administered testing for the administration of the licensing examination, this section shall apply and Section 2639 shall not apply.~~

~~(b) Every graduate of an approved physical therapist education program who has filed a complete application for licensure with the board for the first time may, following receipt of a letter of authorization to take the licensing examination and perform as a “physical therapist license applicant,” perform as a physical therapist under the direct and immediate supervision of a physical therapist licensed in this state, for 90 days pending the results of the first licensing examination administered. During this period, the applicant shall identify himself or herself only as a “physical therapist license applicant.” If the applicant passes the examination, the physical therapist license applicant status shall remain in effect until a regular renewable license is issued, or licensure is denied, by the board.~~

1 ~~(e) A person shall not be considered a graduate unless he or she~~
2 ~~has successfully completed all the clinical training and internships~~
3 ~~required for graduation from the program.~~

4 ~~(d) If the applicant fails to take the examination within 90 days~~
5 ~~or fails to pass the examination or receive a license, all privileges~~
6 ~~under this section shall terminate. An applicant may only qualify~~
7 ~~once to perform as a physical therapist license applicant.~~

8 SEC. 43. Article 3 (commencing with Section 2644) is added
9 to Chapter 5.7 of Division 2 of the Business and Professions Code,
10 to read:

11
12 Article 3. Renewal of Licenses
13

14 2644. (a) Every license issued under this chapter shall expire
15 at 12 a.m. on the last day of the birth month of the licensee during
16 the second year of a two-year term, if not renewed.

17 (b) To renew an unexpired license, the licensee shall, on or
18 before the date on which it would otherwise expire, apply for
19 renewal on a form prescribed by the board, pay the prescribed
20 renewal fee, and submit proof of the completion of continuing
21 competency required by the board pursuant to Section 2649. The
22 licensee shall disclose on his or her license renewal application
23 any misdemeanor or other criminal offense for which he or she
24 has been found guilty or to which he or she has pleaded guilty or
25 no contest.

26 2645. At least 60 days before the expiration of any license, the
27 board shall mail to each licensee under this chapter, at the latest
28 address furnished by the licensee to the board, a notice stating the
29 amount of the renewal fee and the date on which it is due, and that
30 failure to pay it on or before the due date shall result in expiration
31 of the license.

32 2646. A license that has expired may be renewed at any time
33 within five years after its expiration by applying for renewal as
34 set forth in Section 2644. Renewal under this section shall be
35 effective on the date on which the renewal application is filed, on
36 the date on which the renewal fee or accrued renewal fees are
37 paid, or on the date on which the delinquency fee and penalty fee,
38 if any, are paid, whichever last occurs. A renewed license shall
39 continue in effect through the expiration date set forth in Section

1 2644 that next occurs after the effective date of the renewal, at
2 which time it shall expire and become invalid if it is not so renewed.

3 2647. A person who fails to renew his or her license within
4 five years after its expiration may not renew it, and it shall not be
5 reissued, reinstated, or restored thereafter. However, the person
6 may apply for a new license if he or she satisfies the requirements
7 set forth in Article 3 (commencing with Section 2635).

8 2648. (a) A licensee is exempt from the payment of the renewal
9 fee while engaged in full-time training or active service in the
10 United States Army, Navy, Air Force, Marines, or Coast Guard,
11 or in the United States Public Health Service.

12 (b) A person exempted from the payment of the renewal fee by
13 this section shall not engage in any practice of, or assistance in
14 the provision of, physical therapy not related to his or her military
15 service and shall become liable for payment of the fee for the
16 current renewal period upon his or her discharge from full-time
17 active service and shall have a period of 60 days after becoming
18 liable within which to pay the renewal fee before the delinquency
19 fee is required. Any person who is discharged from active service
20 within 60 days of the end of the renewal period is exempt from the
21 payment of the renewal fee for that period.

22 (c) The time spent in full-time active service or training shall
23 not be included in the computation of the five-year period for
24 renewal and reinstatement of licensure provided in Section 2646.

25 (d) A person exempt from renewal fees under this section shall
26 not be exempt from meeting the requirements of Section 2649.

27 2648.3. A licensee who demonstrates to the satisfaction of the
28 board that he or she is unable to practice, or assist in the provision
29 of, physical therapy due to a disability may request a waiver of
30 the license renewal fee. The granting of a waiver shall be at the
31 discretion of the board and may be terminated at any time. Waivers
32 shall be based on the inability of a licensee to practice, or assist
33 in the provision of, physical therapy. A licensee whose renewal
34 fee has been waived pursuant to this section shall not engage in
35 the practice of, or assist in the provision of, physical therapy unless
36 and until the licensee pays the current renewal fee and does either
37 of the following:

38 (a) Establishes to the satisfaction of the board, on a form
39 prescribed by the board and signed under penalty of perjury, that
40 the licensee's disability either no longer exists or does not affect

1 *his or her ability to practice, or assist in the provision of, physical*
2 *therapy safely.*

3 *(b) Signs an agreement, on a form prescribed by the board and*
4 *signed under penalty of perjury, to limit his or her practice of, or*
5 *assistance in the provision of, physical therapy in the manner*
6 *prescribed by his or her reviewing physician.*

7 *(c) A person exempt from renewal fees under this section shall*
8 *not be exempt from meeting the requirements of Section 2649.*

9 2648.5. *(a) The renewal fee shall be waived for licensees*
10 *residing in California who certify to the board that license renewal*
11 *is for the sole purpose of providing voluntary, unpaid physical*
12 *therapy services.*

13 *(b) A person exempt from renewal fees under this section shall*
14 *not be exempt from meeting the requirements of Section 2649.*

15 2648.7. *A licensee is exempt from the payment of the renewal*
16 *fee and from meeting the requirements set forth in Section 2649*
17 *if he or she has applied to the board for retired license status. A*
18 *holder of a license in retired status pursuant to this section shall*
19 *not engage in the practice of, or assist in the provision of, physical*
20 *therapy unless the licensee applies for renewal and meets all of*
21 *the requirements as set forth in Section 2644.*

22 SEC. 44. *The heading of Article 4 (commencing with Section*
23 *2650) of Chapter 5.7 of Division 2 of the Business and Professions*
24 *Code is amended and renumbered to read:*

25
26 Article 4.5. Educational Standards

27
28 SEC. 45. *Section 2650 of the Business and Professions Code*
29 *is repealed.*

30 ~~2650. (a) Except as otherwise provided in this chapter, each~~
31 ~~applicant for a license as a physical therapist shall be a graduate~~
32 ~~of a professional degree program of an accredited postsecondary~~
33 ~~institution or institutions approved by the board, and shall have~~
34 ~~completed a professional education including academic coursework~~
35 ~~and clinical internship in physical therapy.~~

36 ~~(b) As referenced in the evaluative criteria of the Commission~~
37 ~~on Accreditation in Physical Therapy Education of the American~~
38 ~~Physical Therapy Association, the curriculum shall consist of a~~
39 ~~combination of didactic, clinical, and research experiences in~~

1 physical therapy using critical thinking and weighing of evidence,
2 and shall include, at a minimum, all of the following:

3 (1) ~~The sciences basic to physical therapy including biomedical,~~
4 ~~physical, physiological, neurobiological, anatomical, social and~~
5 ~~behavioral sciences.~~

6 (2) ~~Clinical sciences including laboratory or other practical~~
7 ~~experiences involving quantitative and qualitative evaluation within~~
8 ~~the scope of physical therapy practice including kinesiology,~~
9 ~~neuroscience, pathology, human development, and gerontology.~~

10 (3) ~~Treatment that constitutes the practice of physical therapy.~~

11 (4) ~~Learning experiences provided in the areas of administration,~~
12 ~~education, and consultation.~~

13 (5) ~~Research methods including the review and critical analysis~~
14 ~~of research reports.~~

15 (6) ~~Ethical, legal, and economical concepts of physical therapy~~
16 ~~practice.~~

17 (e) ~~Each applicant shall have at least 18 weeks of full-time~~
18 ~~clinical experience with a variety of patients.~~

19 SEC. 46. Section 2650 is added to the Business and Professions
20 Code, to read:

21 2650. (a) *The physical therapist education requirements are*
22 *as follows:*

23 (1) *Except as otherwise provided in this chapter, each applicant*
24 *for a license as a physical therapist shall be a graduate of a*
25 *professional degree program of an accredited postsecondary*
26 *institution or institutions approved by the board and shall have*
27 *completed a professional education program including academic*
28 *course work and clinical internship in physical therapy.*

29 (2) *Unless otherwise specified by the board by regulation, the*
30 *educational requirements shall include instruction in the subjects*
31 *prescribed by the Commission on Accreditation in Physical*
32 *Therapy Education (CAPTE) of the American Physical Therapy*
33 *Association or the Accreditation Council of Canadian*
34 *Physiotherapy and shall include a combination of didactic and*
35 *clinical experiences. The clinical experience shall include at least*
36 *18 weeks of full-time experience with a variety of patients.*

37 (b) *The physical therapist assistant educational requirements*
38 *are as follows:*

39 (1) *Except as otherwise provided in this chapter, each applicant*
40 *for a license as a physical therapist assistant shall be a graduate*

1 of a physical therapist assistant program of an accredited
2 postsecondary institution or institutions approved by the board,
3 and shall have completed both the academic and clinical
4 experience required by the physical therapist assistant program,
5 and have been awarded an associate degree.

6 (2) Unless otherwise specified by the board by regulation, the
7 educational requirements shall include instruction in the subjects
8 prescribed by the CAPTE of the American Physical Therapy
9 Association or the Accreditation Council of Canadian
10 Physiotherapy or such other body as may be approved by the board
11 by regulation and shall include a combination of didactic and
12 clinical experiences. The clinical experience shall include at least
13 18 weeks of full-time experience with a variety of patients.

14 SEC. 47. Section 2650.1 of the Business and Professions Code
15 is repealed.

16 ~~2650.1. During the period of clinical practice referred to in~~
17 ~~Section 2650 or in any similar period of observation or related~~
18 ~~educational experience involving recipients of physical therapy,~~
19 ~~a person so engaged shall be identified only as a “physical therapy~~
20 ~~student,” or as a “physical therapy intern” as authorized by the~~
21 ~~board in its regulations.~~

22 SEC. 48. Section 2650.2 of the Business and Professions Code
23 is repealed.

24 ~~2650.2. Nothing in this chapter shall be construed to prevent~~
25 ~~a regularly matriculated student undertaking a course of~~
26 ~~professional instruction in an approved physical therapist education~~
27 ~~program or a student enrolled in a program of supervised clinical~~
28 ~~training under the direction of an approved physical therapist~~
29 ~~education program pursuant to Section 2651, from performing~~
30 ~~physical therapy as a part of his or her course of study.~~

31 SEC. 49. Section 2651 of the Business and Professions Code
32 is amended to read:

33 2651. The board ~~may~~ shall approve only those physical
34 therapist ~~and physical therapist assistant~~ education programs that
35 prove to the satisfaction of the board that they comply with the
36 minimum physical ~~therapy therapist or physical therapist assistant~~
37 educational requirements set forth in this chapter and adopted by
38 the board pursuant to this chapter. Physical therapist ~~and physical~~
39 ~~therapist assistant~~ education programs that are accredited by the
40 Commission on Accreditation in Physical Therapy Education of

the American Physical Therapy Association (APTA) or the Accreditation Council of Canadian Physiotherapy or such other body as may be approved by the board by regulation, shall be deemed approved by the board unless the board determines otherwise. This chapter shall not prohibit the board from disapproving any foreign physical therapist or physical therapist assistant educational program or from denying an applicant if, in the opinion of the board, the instruction received by the applicant or the courses offered by the program were not equivalent to that which is required by this chapter.

SEC. 50. Section 2652 of the Business and Professions Code is repealed.

~~2652. All physical therapist education programs, whether situated in this state or not, furnishing courses of study meeting the standards required by Sections 2650 and 2651 and the regulations of the board adopted pursuant to this chapter shall be approved by the board and shall be entitled to compel this approval, if it is denied, by action in the Superior Court of the State of California, the procedure and power of the court in which action shall be the same as provided in Section 2087.~~

SEC. 51. Section 2653 of the Business and Professions Code is repealed.

~~2653. (a) An applicant for a license as a physical therapist who was issued a diploma by a physical therapist education program that is not an approved program and is not located in the United States shall meet all of the following requirements in order to be licensed as a physical therapist:~~

~~(1) Furnish documentary evidence satisfactory to the board, that he or she has completed the equivalent professional degree to that issued by a United States accredited physical therapist education program in a physical therapist education program that entitles the applicant to practice as a physical therapist in the country where the diploma was issued. The physical therapy education received by the applicant shall meet the criteria set forth in subdivisions (b) and (c) of Section 2650. The board may require an applicant to submit documentation of his or her education to a credentials evaluation service for review and a report to the board.~~

~~(2) Pass the written examination required by Section 2636. The requirements to pass the written examination shall not apply to an applicant who at the time of application has passed, to the~~

1 satisfaction of the board, an examination for licensure in another
2 state, district, or territory of the United States, that is, in the opinion
3 of the board, comparable to the examination given in this state.

4 ~~(3) Complete a period of clinical service under the direct and~~
5 ~~immediate supervision of a physical therapist licensed by the board~~
6 ~~which does not exceed nine months in a location approved by the~~
7 ~~board, in a manner satisfactory to the board. The applicant shall~~
8 ~~have passed the written examination required in subdivision (b)~~
9 ~~prior to commencing the period of clinical service. The board shall~~
10 ~~require the supervising physical therapist to evaluate the applicant~~
11 ~~and report his or her findings to the board. The board may in its~~
12 ~~discretion waive all or part of the required clinical service pursuant~~
13 ~~to guidelines set forth in its regulations. During the period of~~
14 ~~clinical service until he or she is issued a license as a physical~~
15 ~~therapist by the board, the applicant shall be identified as a~~
16 ~~“physical therapist license applicant.”~~

17 ~~(4) An applicant for licensure under this subdivision, whose~~
18 ~~application is based on a certificate issued by a physical therapist~~
19 ~~licensing authority of another state, may be required to pass an~~
20 ~~oral examination given by the board, and to file a statement of past~~
21 ~~work activity.~~

22 ~~(b) Nothing contained in this section shall prohibit the board~~
23 ~~from disapproving any foreign physical therapist education~~
24 ~~program or from denying the applicant if, in the opinion of the~~
25 ~~board, the instruction received by the applicant or the courses were~~
26 ~~not equivalent to that required by this chapter. If the applicant does~~
27 ~~not qualify to take the physical therapist examination, his or her~~
28 ~~education may be evaluated and the applicant may be eligible to~~
29 ~~take the physical therapist assistant examination.~~

30 *SEC. 52. Section 2653 is added to the Business and Professions*
31 *Code, to read:*

32 *2653. An applicant for a license as a physical therapist who*
33 *has graduated from a physical therapist education program that*
34 *is not approved by the board and is not located in the United States*
35 *shall do all of the following:*

36 *(a) Furnish documentary evidence satisfactory to the board,*
37 *that he or she has completed a professional degree in a physical*
38 *therapist educational program substantially equivalent at the time*
39 *of his or her gradation to that issued by a board approved physical*
40 *therapist education program. The professional degree must entitle*

1 *the applicant to practice as a physical therapist in the country*
2 *where the diploma was issued. The applicant shall meet the*
3 *educational requirements set forth in paragraph (2) of subdivision*
4 *(a) of Section 2650. The board may require an applicant to submit*
5 *documentation of his or her education to a credentials evaluation*
6 *service for review and a report to the board.*

7 *(b) Demonstrate proficiency in English by achieving a score*
8 *specified by the board on the Test of Spoken English administered*
9 *by the Educational Testing Services or such other examination as*
10 *may be specified by the board by regulation.*

11 *(c) Complete nine months of clinical service in a location*
12 *approved by the board under the supervision of a physical therapist*
13 *licensed by a United States jurisdiction, in a manner satisfactory*
14 *to the board. The applicant shall have passed the written*
15 *examination required in Section 2636 prior to commencing the*
16 *period of clinical service. The board shall require the supervising*
17 *physical therapist to evaluate the applicant and report his or her*
18 *findings to the board. The board may in its discretion waive all or*
19 *part of the required clinical service pursuant to guidelines set forth*
20 *in its regulations. During the period of clinical service, the*
21 *applicant shall be identified as a physical therapist license*
22 *applicant. If an applicant fails to complete the required period of*
23 *clinical service, the board may, for good cause shown, allow the*
24 *applicant to complete another period of clinical service.*

25 *SEC. 53. Section 2654 is added to the Business and Professions*
26 *Code, to read:*

27 *2654. If an applicant who has graduated from a physical*
28 *therapist education program that is not approved by the board*
29 *and is not located in the United States does not qualify to take the*
30 *physical therapist examination, his or her education may be*
31 *evaluated by the board and the applicant may be eligible to take*
32 *the physical therapist assistant examination.*

33 *SEC. 54. Article 4.5 (commencing with Section 2655) of*
34 *Chapter 5.7 of Division 2 of the Business and Professions Code*
35 *is repealed.*

36 *SEC. 55. The heading of Article 5 (commencing with Section*
37 *2660) of Chapter 5.7 of Division 2 of the Business and Professions*
38 *Code is amended and renumbered to read:*

Article 5.6. ~~Suspension, Revocation and Reinstatement of
License Enforcement~~

SEC. 56. *Section 2660 of the Business and Professions Code is amended to read:*

2660. *Unprofessional conduct constitutes grounds for citation, discipline, denial of a license, or issuance of a probationary license. The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, issue a citation, impose discipline, deny a license, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, in addition to other provisions of this chapter, but is not limited to, one or any combination of the following causes:*

(a) *Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter, any regulations duly adopted under this chapter, or the Medical Practice Act.*

(a)

(b) *Advertising in violation of Section 17500.*

(c) *Obtaining or attempting to obtain a license by fraud or misrepresentation.*

(d) *Practicing or offering to practice beyond the scope of practice of physical therapy.*

~~(b) Fraud in the procurement of any license under this chapter.~~

~~(e) Procuring or aiding or offering to procure or aid in criminal abortion.~~

~~(d)~~

(e) *Conviction of a crime that substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapist assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.*

~~(e) Habitual intemperance.~~

~~(f) Addiction to the excessive use of any habit-forming drug.~~

(f) *Unlawful possession or use of, or conviction of a criminal offense involving, a controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2 (commencing with Section 4015) of Chapter 9, as follows:*

1 (1) *Obtaining or possessing in violation of law, or except as*
2 *directed by a licensed physician and surgeon, dentist, or podiatrist,*
3 *administering to himself or herself, or furnishing or administering*
4 *to another, any controlled substances or any dangerous drug.*

5 (2) *Using any controlled substance or any dangerous drug.*

6 (3) *Conviction of a criminal offense involving the consumption*
7 *or self-administration of, or the possession of, or falsification of*
8 *a record pertaining to, any controlled substance or any dangerous*
9 *drug, in which event the record of the conviction is conclusive*
10 *evidence thereof.*

11 (g) *Failure to maintain adequate and accurate records relating*
12 *to the provision of services to his or her patients.*

13 ~~(g)~~

14 (h) *Gross negligence or repeated acts of negligence in his or*
15 *her practice as a physical therapist or physical therapist assistant*
16 *or in the delivery of physical therapy care.*

17 ~~(h) Conviction of a violation of any of the provisions of this~~
18 ~~chapter or of the Medical Practice Act, or violating, or attempting~~
19 ~~to violate, directly or indirectly, or assisting in or abetting the~~
20 ~~violating of, or conspiring to violate any provision or term of this~~
21 ~~chapter or of the Medical Practice Act.~~

22 (i) *The aiding or abetting of any person to violate this chapter*
23 *or any regulations duly adopted under this chapter.*

24 ~~(j) The aiding~~

25 (i) *Aiding or abetting of any person to engage in the unlawful*
26 *practice of physical therapy.*

27 ~~(k)~~

28 (j) *The commission of any fraudulent, dishonest, or corrupt act*
29 *that is substantially related to the qualifications, functions, or duties*
30 *of a physical therapist or physical therapist assistant.*

31 ~~(l)~~

32 (k) *Except for good cause, the knowing failure to protect patients*
33 *by failing to follow infection control guidelines of the board,*
34 *thereby risking transmission of blood-borne infectious diseases*
35 *from licensee to patient, from patient to patient, and from patient*
36 *to licensee. In administering this subdivision, the board shall*
37 *consider referencing the standards, regulations, and guidelines of*
38 *the State Department of Public Health developed pursuant to*
39 *Section 1250.11 of the Health and Safety Code and the standards,*
40 *regulations, and guidelines pursuant to the California Occupational*

1 Safety and Health Act of 1973 (Part 1 (commencing with Section
2 6300) of Division 5 of the Labor Code) for preventing the
3 transmission of HIV, hepatitis B, and other blood-borne pathogens
4 in health care settings. As necessary, the board shall consult with
5 the Medical Board of California, the California Board of Podiatric
6 Medicine, the Dental Board of California, the Board of Registered
7 Nursing, and the Board of Vocational Nursing and Psychiatric
8 Technicians of the State of California, to encourage appropriate
9 consistency in the implementation of this subdivision.

10 ~~The board shall seek to ensure that licensees are informed of the~~
11 ~~responsibility of licensees and others to follow infection control~~
12 ~~guidelines, and of the most recent scientifically recognized~~
13 ~~safeguards for minimizing the risk of transmission of blood-borne~~
14 ~~infectious diseases.~~

15 ~~(m)~~

16 *(l) The commission of verbal abuse or sexual harassment.*

17 *(m) Engaging in sexual misconduct or violating Section 726.*

18 *(n) Permitting a physical therapist assistant or physical therapy*
19 *aide under one's supervision or control to perform, or permitting*
20 *the physical therapist assistant or physical therapy aide to hold*
21 *himself or herself out as competent to perform, professional*
22 *services beyond the level of education, training, and experience*
23 *of the physical therapist assistant or aide.*

24 *(o) The revocation, suspension, or other discipline, restriction,*
25 *or limitation imposed by another state upon a license or certificate*
26 *to practice physical therapy issued by that state, or the revocation,*
27 *suspension, or restriction of the authority to practice physical*
28 *therapy by any agency of the federal government.*

29 *(p) Viewing a completely or partially disrobed patient in the*
30 *course of treatment if the viewing is not necessary to patient*
31 *evaluation or treatment under current standards.*

32 *(q) Engaging in any act in violation of Section 650, 651, or*
33 *654.2.*

34 *(r) Charging a fee for services not performed.*

35 *(s) Misrepresenting documentation of patient care or deliberate*
36 *falsifying of patient records.*

37 *(t) Except as otherwise allowed by law, the employment of*
38 *runners, cappers, steerers, or other persons to procure patients.*

39 *(u) The willful, unauthorized violation of professional*
40 *confidence.*

1 (v) *Failing to maintain confidentiality, except as otherwise*
2 *required or permitted by law, of all information that has been*
3 *received from a patient in confidence during the course of*
4 *treatment and all information about the patient that is obtained*
5 *from tests or other means.*

6 (w) *Habitual intemperance.*

7 SEC. 57. *Section 2660.2 of the Business and Professions Code*
8 *is amended to read:*

9 2660.2. (a) The board may refuse a license to any applicant
10 guilty of unprofessional conduct or sexual activity referred to in
11 Section 2660.1. The board may, in its sole discretion, issue a *public*
12 *letter of reprimand in accordance with Section 2660.3 or may*
13 *issue* a probationary license to any applicant for a license who is
14 guilty of unprofessional conduct but who has met all other
15 requirements for licensure. The board may issue the license subject
16 to any terms or conditions not contrary to public policy, including,
17 but not limited to, the following:

18 (1) Medical or psychiatric evaluation.

19 (2) Continuing medical or psychiatric treatment.

20 (3) Restriction of the type or circumstances of practice.

21 (4) Continuing participation in a board-approved rehabilitation
22 program.

23 (5) Abstention from the use of alcohol or drugs.

24 (6) Random fluid testing for alcohol or drugs.

25 (7) Compliance with laws and regulations governing the practice
26 of physical therapy.

27 (b) The applicant shall have the right to appeal the denial, or
28 the issuance with terms and conditions, of any license in
29 accordance with Chapter 5 (commencing with Section 11500) of
30 Part 1 of Division 3 of Title 2 of the Government Code, and the
31 board shall have all the powers granted therein. The action shall
32 be final, except that the propriety of the action is subject to review
33 by the superior court pursuant to Section 1094.5 of the Code of
34 Civil Procedure.

35 (c) *In lieu of refusing a license, the board may, upon stipulation*
36 *or agreement by the licensee, issue a public letter of reprimand*
37 *after it has conducted an investigation or inspection as provided*
38 *for in this chapter. The public letter of reprimand may include a*
39 *requirement for specified training or education, and cost recovery*
40 *for investigative costs. The board shall notify the licensee of its*

1 *intention to issue the letter 30 days before the intended issuance*
2 *date of the letter. The licensee shall indicate in writing at least 15*
3 *days prior to the letter's intended issuance date whether he or she*
4 *agrees to the issuance of the letter. The board, at its option, may*
5 *extend the time within which the licensee may respond to its*
6 *notification. If the licensee does not agree to the issuance of the*
7 *letter, the board shall not issue the letter and may proceed to file*
8 *the accusation. The board may use a public letter of reprimand*
9 *only for minor violations, as defined by the board, committed by*
10 *the applicant. A public letter of reprimand issued pursuant to this*
11 *section shall be disclosed by the board to an inquiring member of*
12 *the public and shall be posted on the board's Internet Web site.*

13 *SEC. 58. Section 2660.3 of the Business and Professions Code*
14 *is amended to read:*

15 *2660.3. In lieu of filing or prosecuting a formal accusation*
16 *against a licensee, the board may, upon stipulation or agreement*
17 *by the licensee, issue a public letter of reprimand after it has*
18 *conducted an investigation or inspection as provided for in this*
19 *chapter. The public letter of reprimand may include a requirement*
20 *for specified training or education, and cost recovery for*
21 *investigative costs. The board shall notify the licensee of its*
22 *intention to issue the letter 30 days before the intended issuance*
23 *date of the letter. The licensee shall indicate in writing at least 15*
24 *days prior to the letter's intended issuance date whether he or she*
25 *agrees to the issuance of the letter. The board, at its option, may*
26 *extend the time within which the licensee may respond to its*
27 *notification. If the licensee does not agree to the issuance of the*
28 *letter, the board shall not issue the letter and may proceed to file*
29 *the accusation. The board may use a public letter of reprimand*
30 *only for minor violations, as defined by the board, committed by*
31 *the licensee. A public letter of reprimand issued pursuant to this*
32 *section shall be disclosed by the board to an inquiring member of*
33 *the public and shall be posted on the board's Internet Web site.*

34 *SEC. 59. Section 2660.4 is added to the Business and*
35 *Professions Code, to read:*

36 *2660.4. A licensee who fails or refuses to comply with a request*
37 *from the board for the medical records of a patient, that is*
38 *accompanied by that patient's written authorization for release*
39 *of records to the board, within 15 days of receiving the request*
40 *and authorization shall pay to the board a civil penalty of one*

1 *thousand dollars (\$1,000) per day for each day that the records*
2 *have not been produced after the 15th day, unless the licensee is*
3 *unable to provide the records within this time period for good*
4 *cause.*

5 *SEC. 60. Section 2660.5 of the Business and Professions Code*
6 *is amended to read:*

7 2660.5. The board shall deny a physical therapist license or
8 physical therapist assistant-approval license to an applicant who
9 is required to register pursuant to Section 290 of the Penal Code.
10 This section does not apply to an applicant who is required to
11 register as a sex offender pursuant to Section 290 of the Penal
12 Code solely because of a misdemeanor conviction under Section
13 314 of the Penal Code.

14 *SEC. 61. Section 2660.8 is added to the Business and*
15 *Professions Code, to read:*

16 2660.8. A licensee whose matter has been heard by an
17 administrative law judge of the Medical Quality Hearing Panel
18 as designated in Section 11371 of the Government Code, or whose
19 default has been entered or who has entered into a stipulation for
20 disciplinary action with the board, may, in accordance with the
21 provisions of this chapter:

- 22 (a) Have his or her license revoked upon order of the board.
- 23 (b) Have his or her right to practice suspended for a period not
24 to exceed one year upon order of the board.
- 25 (c) Be placed on probation and required to pay the costs of
26 probation monitoring upon order of the board.
- 27 (d) Be publicly reprimanded by the board.
- 28 (e) Be required to surrender his or her license based on an
29 order of the board.
- 30 (f) Have any other action taken in relation to discipline as part
31 of an order of probation, as the board or an administrative law
32 judge may deem proper.

33 *SEC. 62. Section 2661 of the Business and Professions Code*
34 *is amended to read:*

35 2661. A plea or verdict of guilty or a conviction following a
36 plea of nolo contendere ~~made to a charge of a felony or of any~~
37 ~~offense which substantially relates to the qualifications, functions,~~
38 ~~or duties of a physical therapist~~ is deemed to be a conviction within
39 the meaning of this article. The board may order ~~the license~~
40 ~~suspended or revoked, or may decline to issue a license, discipline~~

1 of the licensee in accordance with Section 2660 or the board may
2 take action as authorized in Section 2660.2 on an application when
3 the time for appeal has elapsed, or the judgment of conviction has
4 been affirmed on appeal or when an order granting probation is
5 made suspending the imposition of sentence, irrespective of a
6 subsequent order under Section 1203.4 of the Penal Code allowing
7 that person to withdraw his or her plea of guilty and to enter a plea
8 of not guilty, or setting aside the verdict of guilty, or dismissing
9 the accusation, information, or indictment.

10 SEC. 63. Section 2661.7 of the Business and Professions Code
11 is amended to read:

12 2661.7. (a) A person whose license ~~or approval~~ has been
13 revoked or suspended, or who has been placed on probation, may
14 petition the ~~Physical Therapy Board of California~~ board for
15 reinstatement or modification of penalty, including modification
16 or termination of probation, after a period of not less than the
17 following minimum periods has elapsed from the effective date
18 of the decision ordering that disciplinary action:

19 (1) At least three years for reinstatement of a license or approval
20 revoked for unprofessional conduct, except that the board may,
21 for good cause shown, specify in a revocation order that a petition
22 for reinstatement may be filed after two years.

23 (2) At least two years for early termination *or one year for*
24 *modification of a condition* of probation of three years or more.

25 (3) At least one year for ~~modification of a condition, or~~
26 reinstatement of a license ~~or approval~~ revoked for mental or
27 physical illness, *or for modification of a condition*, or termination
28 of probation of less than three years.

29 (b) The petition shall state any facts as may be required by the
30 board. The petition shall be accompanied by at least two verified
31 recommendations from physical therapists licensed by the board
32 who have personal knowledge of the activities of the petitioner
33 since the disciplinary penalty was imposed.

34 (c) The petition may be heard by the board. The board may
35 assign the petition to an administrative law judge designated in
36 Section 11371 of the Government Code. After a hearing on the
37 petition, the administrative law judge shall provide a proposed
38 decision to the ~~committee~~ board that shall be acted upon in
39 accordance with the Administrative Procedure Act.

(d) The board or the administrative law judge hearing the petition; may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the license was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability. The hearing may be continued, as the *board or the* administrative law judge designated in Section 11371 of the Government Code finds necessary.

(e) The administrative law judge designated in Section 11371 of the Government Code when hearing a petition for reinstating a license ~~or approval~~, or modifying a penalty, may recommend the imposition of any terms and conditions deemed necessary.

(f) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the ~~person~~ petitioner. The board may deny, without a hearing or argument, any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

(g) Nothing in this section shall be deemed to alter Sections 822 and 823.

SEC. 64. The heading of Article 5.5 (commencing with Section 2662) of Chapter 5.7 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 5.5.7. ~~Diversion~~ Substance Abuse Rehabilitation
Program

SEC. 65. Section 2663 of the Business and Professions Code is amended to read:

2663. The board shall establish and administer a ~~diversion~~ substance abuse rehabilitation program, hereafter referred to as the rehabilitation program, for the rehabilitation of physical therapists and physical therapist assistants whose competency is impaired due to the abuse of drugs or alcohol. The board may contract with any other state agency or a private organization to perform its duties under this article. The board may establish one

1 or more ~~diversion~~ *rehabilitation* evaluation committees to assist
2 it in carrying out its duties under this article. Any ~~diversion~~
3 *rehabilitation* evaluation committee established by the board shall
4 operate under the direction of the ~~diversion~~ *rehabilitation* program
5 manager, as designated by the executive officer of the board. The
6 program manager has the primary responsibility to review and
7 evaluate recommendations of the committee.

8 *SEC. 66. Section 2664 of the Business and Professions Code*
9 *is amended to read:*

10 2664. (a) Any ~~diversion~~ *rehabilitation* evaluation committee
11 established by the board shall have at least three members. In
12 making appointments to a ~~diversion~~ *rehabilitation* evaluation
13 committee, the board shall consider the appointment of persons
14 who are either recovering from substance abuse and have been
15 free from substance abuse for at least three years immediately prior
16 to their appointment or who are knowledgeable in the treatment
17 and recovery of substance abuse. The board also shall consider
18 the appointment of a physician and surgeon who is board certified
19 in psychiatry.

20 (b) Appointments to a ~~diversion~~ *rehabilitation* evaluation
21 committee shall be by the affirmative vote of a majority of
22 members appointed to the board. Each appointment shall be at the
23 pleasure of the board for a term not to exceed four years. In its
24 discretion, the board may stagger the terms of the initial members
25 so appointed.

26 (c) A majority of the members of a ~~diversion~~ *rehabilitation*
27 evaluation committee shall constitute a quorum for the transaction
28 of business. Any action requires an affirmative vote of a majority
29 of those members present at a meeting constituting at least a
30 quorum. Each ~~diversion~~ *rehabilitation* evaluation committee shall
31 elect from its membership a chairperson and a vice chairperson.
32 Notwithstanding the Bagley-Keene Open Meeting Act (Article 9
33 (commencing with Section 11120) of Chapter 1 of Part 1 of
34 Division 3 of Title 2 of the Government Code), relating to public
35 meetings, a ~~diversion~~ *rehabilitation* evaluation committee may
36 convene in closed session to consider matters relating to any
37 physical therapist or physical therapist assistant applying for or
38 participating in a ~~diversion~~ *rehabilitation* program, and a meeting
39 which will be convened entirely in closed session need not comply
40 with Section 11125 of the Government Code. A ~~diversion~~

1 *rehabilitation* evaluation committee shall only convene in closed
2 session to the extent it is necessary to protect the privacy of an
3 applicant or participant. Each member of a ~~diversion~~ *rehabilitation*
4 evaluation committee shall receive a per diem and shall be
5 reimbursed for expenses as provided in Section 103.

6 *SEC. 67. Section 2665 of the Business and Professions Code*
7 *is amended to read:*

8 2665. Each ~~diversion~~ *rehabilitation* evaluation committee has
9 the following duties and responsibilities:

10 (a) To evaluate physical therapists and physical therapist
11 assistants who request participation in the *rehabilitation* program
12 and to make recommendations. In making recommendations, the
13 committee shall consider any recommendations from professional
14 consultants on the admission of applicants to the ~~diversion~~
15 *rehabilitation* program.

16 (b) To review and designation of treatment facilities to which
17 physical therapists and physical therapist assistants in the ~~diversion~~
18 *rehabilitation* program may be referred.

19 (c) To receive and review information concerning physical
20 therapists and physical therapist assistants participating in the
21 program.

22 (d) Calling meetings as necessary to consider the requests of
23 physical therapists and physical therapist assistants to participate
24 in the ~~diversion~~ *rehabilitation* program, to consider reports
25 regarding participants in the program, and to consider any other
26 matters referred to it by the board.

27 (e) To consider whether each participant in the ~~diversion~~
28 *rehabilitation* program may with safety continue or resume the
29 practice of physical therapy.

30 (f) To set forth in writing the terms and conditions of the
31 ~~diversion~~ *rehabilitation* agreement that is approved by the program
32 manager for each physical therapist and physical therapist assistant
33 participating in the program, including treatment, supervision, and
34 monitoring requirements.

35 (g) ~~Holding~~ *To hold* a general meeting at least twice a year,
36 which shall be open and public, to evaluate the ~~diversion~~
37 *rehabilitation* program's progress, to prepare reports to be
38 submitted to the board, and to suggest proposals for changes in
39 the ~~diversion~~ *rehabilitation* program.

(h) For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, any member of a ~~diversion~~ *rehabilitation* evaluation committee shall be considered a public employee. No board or ~~diversion~~ *rehabilitation* evaluation committee member, contractor, or agent thereof, shall be liable for any civil damage because of acts or omissions which may occur while acting in good faith in a program established pursuant to this article.

SEC. 68. Section 2666 of the Business and Professions Code is amended to read:

2666. (a) Criteria for acceptance into the ~~diversion~~ *rehabilitation* program shall include all of the following:

(1) The applicant shall be licensed as a physical therapist or ~~approved~~ as a physical therapist assistant by the board and shall be a resident of California.

(2) The applicant shall be found to abuse dangerous drugs or alcoholic beverages in a manner ~~which~~ *that* may affect his or her ability to practice physical therapy safely or competently.

(3) The applicant shall have voluntarily requested admission to the program or shall be accepted into the program in accordance with terms and conditions resulting from a disciplinary action.

(4) The applicant shall agree to undertake any medical or psychiatric examination ordered to evaluate the applicant for participation in the program.

(5) The applicant shall cooperate with the program by providing medical information, disclosure authorizations, and releases of liability as may be necessary for participation in the program.

(6) The applicant shall agree in writing to cooperate with all elements of the treatment program designed for him or her.

Any applicant may be denied participation in the program if the board, the program manager, or a ~~diversion~~ *rehabilitation* evaluation committee determines that the applicant will not substantially benefit from participation in the program or that the applicant's participation in the program creates too great a risk to the public health, safety, or welfare.

(b) A participant may be terminated from the program for any of the following reasons:

(1) The participant has successfully completed the treatment program.

1 (2) The participant has failed to comply with the treatment
2 program designated for him or her.

3 (3) The participant fails to meet any of the criteria set forth in
4 subdivision (a) or (c).

5 (4) It is determined that the participant has not substantially
6 benefited from participation in the program or that his or her
7 continued participation in the program creates too great a risk to
8 the public health, safety, or welfare. Whenever an applicant is
9 denied participation in the program or a participant is terminated
10 from the program for any reason other than the successful
11 completion of the program, and it is determined that the continued
12 practice of physical therapy by that individual creates too great a
13 risk to the public health, safety, and welfare, that fact shall be
14 reported to the executive officer of the board and all documents
15 and information pertaining to and supporting that conclusion shall
16 be provided to the executive officer. The matter may be referred
17 for investigation and disciplinary action by the board. Each physical
18 therapist or physical therapy assistant who requests participation
19 in a ~~diversion~~ *rehabilitation* program shall agree to cooperate with
20 the recovery program designed for him or her. Any failure to
21 comply with that program may result in termination of participation
22 in the program.

23 The ~~diversion~~ *rehabilitation* evaluation committee shall inform
24 each participant in the program of the procedures followed in the
25 program, of the rights and responsibilities of a physical therapist
26 or physical therapist assistant in the program, and the possible
27 results of noncompliance with the program.

28 (c) In addition to the criteria and causes set forth in subdivision
29 (a), the board may set forth in its regulations additional criteria for
30 admission to the program or causes for termination from the
31 program.

32 *SEC. 69. Section 2667 of the Business and Professions Code*
33 *is amended to read:*

34 2667. All board and ~~diversion~~ *rehabilitation* evaluation
35 committee records and records of proceedings and participation
36 of a physical therapist or physical therapist assistant in a program
37 shall be confidential and are not subject to discovery or subpoena.

38 *SEC. 70. Section 2668 of the Business and Professions Code*
39 *is amended to read:*

1 2668. (a) A fee to cover the actual cost of administering the
2 program shall be charged for participation in the program. If the
3 board contracts with any other entity to carry out this article, at
4 the discretion of the board, the fee may be collected and retained
5 by that entity.

6 (b) If the board contracts with any other entity to carry out this
7 section, the executive officer of the board, or his or her designee,
8 shall review the activities and performance of the contractor on a
9 biennial basis. As part of this review, the board shall review files
10 of participants in the program. However, the names of participants
11 who entered the program voluntarily shall remain confidential,
12 except when the review reveals misdiagnosis, case
13 mismanagement, or noncompliance by the participant.

14 (c) Subdivision (a) shall apply to all new participants entering
15 into the board's ~~diversion~~ *rehabilitation* program on or after
16 January 1, 2007. Subdivision (a) shall apply on and after January
17 1, 2008, to participants currently enrolled as of December 31, 2007.

18 *SEC. 71. Section 2669 of the Business and Professions Code*
19 *is amended to read:*

20 2669. Participation in a ~~diversion~~ *rehabilitation* program shall
21 not be a defense to any disciplinary action ~~which~~ *that* may be taken
22 by the board. This section does not preclude the board from
23 commencing disciplinary action against a physical therapist or
24 physical therapist assistant who is terminated unsuccessfully from
25 the program ~~under this section~~. That disciplinary action may not
26 include as evidence any confidential information.

27 *SEC. 72. The heading of Article 6 (commencing with Section*
28 *2670) of Chapter 5.7 of Division 2 of the Business and Professions*
29 *Code is amended and renumbered to read:*

30
31 Article ~~6.8. Offenses and Enforcement~~ *Against this Chapter*
32

33 *SEC. 73. Section 2672 of the Business and Professions Code*
34 *is amended to read:*

35 2672. Whenever any person has engaged or is about to engage
36 in any acts or practices ~~which~~ *that* constitute or will constitute an
37 offense against this chapter, the superior court of any county, on
38 application of the ~~Medical Board of California~~, the board, or 10
39 or more persons holding physical therapist licenses issued under
40 this chapter, may issue an injunction or other appropriate order

1 restraining the conduct. Proceedings under this section shall be
2 governed by Chapter 3 (commencing with Section 525) of Title 7
3 of Part 2 of the Code of Civil Procedure.

4 *SEC. 74. The heading of Article 6.5 (commencing with Section*
5 *2676) of Chapter 5.7 of Division 2 of the Business and Professions*
6 *Code is repealed.*

7
8 ~~Article 6.5. Continuing Education and Competency~~
9

10 *SEC. 75. Section 2676 of the Business and Professions Code*
11 *is amended and renumbered to read:*

12 ~~2676.~~

13 2649. (a) A person renewing his or her license ~~or approval~~
14 shall submit proof satisfactory to the board that, during the
15 preceding two years, he or she has completed the required number
16 of continuing education hours established by regulation by the
17 board, or such other proof of continuing competency as the board
18 may establish by regulation. Required continuing education shall
19 not exceed 30 hours every two years.

20 (b) The board shall adopt and administer regulations including,
21 but not limited to, continuing education intended to ensure the
22 continuing competency of persons licensed ~~or approved~~ pursuant
23 to this chapter. The board may establish different requirements for
24 physical therapists and physical therapist assistants. The board
25 may not require the completion of an additional postsecondary
26 degree or successful completion of an examination as a condition
27 of renewal, but may recognize these as demonstrative of continuing
28 competency. This program shall include provisions requiring
29 random audits of licensees ~~and holders of approval~~ in order to
30 ensure compliance.

31 (c) The administration of this section may be funded through
32 professional license fees, continuing education provider *fees*, and
33 ~~course approval~~ *recognized approval agency fees*, ~~or both~~. The
34 fees shall not exceed the amounts necessary to cover the actual
35 costs of administering this section.

36 *SEC. 76. The heading of Article 7 (commencing with Section*
37 *2680) of Chapter 5.7 of Division 2 of the Business and Professions*
38 *Code is amended and renumbered to read:*

39
40 Article 7.9. Fiscal Administration

1 *SEC. 77. Section 2682 of the Business and Professions Code*
2 *is amended to read:*

3 2682. There is in the State Treasury the Physical Therapy Fund.
4 All collections from persons licensed ~~or approved~~ or seeking to
5 be licensed ~~or approved~~ shall be paid by the board into the fund
6 after reporting to the Controller at the beginning of each month
7 the amount and source of the collections. All money in the Physical
8 Therapy Fund is appropriated ~~to carry out the purposes of~~ *for the*
9 *exclusive purpose of executing this chapter.*

10 *SEC. 78. Section 2683 of the Business and Professions Code*
11 *is repealed.*

12 ~~2683. Except as provided in Section 2684, the provisions of~~
13 ~~Article 19 (commencing with Section 2420) of Chapter 5 apply to~~
14 ~~the issuance and govern the expiration and renewal of licenses~~
15 ~~issued under this chapter.~~

16 *SEC. 79. Section 2684 of the Business and Professions Code*
17 *is repealed.*

18 ~~2684. (a) Notwithstanding Section 2422, any license or~~
19 ~~approval for the practice of physical therapy shall expire at~~
20 ~~midnight on the last day of the birth month of the licensee or holder~~
21 ~~of the approval during the second year of a two-year term, if not~~
22 ~~renewed.~~

23 ~~(b) To renew an unexpired license or approval, the licensee or~~
24 ~~the holder of the approval shall, on or before the dates on which~~
25 ~~it would otherwise expire, apply for renewal on a form prescribed~~
26 ~~by the board, pay the prescribed renewal fee, and submit proof of~~
27 ~~the completion of continuing education or competency required~~
28 ~~by the board pursuant to Article 6.5 (commencing with Section~~
29 ~~2676). The licensee or holder of the approval shall disclose on his~~
30 ~~or her license renewal application any misdemeanor or other~~
31 ~~criminal offense for which he or she has been found guilty or to~~
32 ~~which he or she has pleaded guilty or no contest.~~

33 ~~(c) A license or approval that has expired may be renewed within~~
34 ~~five years upon payment of all accrued and unpaid renewal fees~~
35 ~~and satisfaction of the requirements described in subdivision (b).~~

36 *SEC. 80. Section 2685 of the Business and Professions Code*
37 *is repealed.*

38 ~~2685. At least 60 days before the expiration of any license or~~
39 ~~approval, the board shall mail to each licensee under this chapter,~~
40 ~~at the latest address furnished by the licensee to the executive~~

1 officer, a notice stating the amount of the renewal fee and the date
2 on which it is due, and that failure to pay it on or before the due
3 date will result in expiration of the license.

4 SEC. 81. *The heading of Article 8 (commencing with Section*
5 *2690) of Chapter 5.7 of Division 2 of the Business and Professions*
6 *Code is amended and renumbered to read:*

7
8 Article 8-10. Physical Therapy Corporations
9

10 SEC. 82. *Section 12529 of the Government Code, as amended*
11 *by Section 113 of Chapter 332 of the Statutes of 2012, is amended*
12 *to read:*

13 12529. (a) There is in the Department of Justice the Health
14 Quality Enforcement Section. The primary responsibility of the
15 section is to prosecute proceedings against licensees and applicants
16 within the jurisdiction of the Medical Board of California, the
17 California Board of Podiatric Medicine, the Board of Psychology,
18 *the Physical Therapy Board of California*, or any committee under
19 the jurisdiction of the Medical Board of California, and to provide
20 ongoing review of the investigative activities conducted in support
21 of those prosecutions, as provided in subdivision (b) of Section
22 12529.5.

23 (b) The Attorney General shall appoint a Senior Assistant
24 Attorney General of the Health Quality Enforcement Section. The
25 Senior Assistant Attorney General of the Health Quality
26 Enforcement Section shall be an attorney in good standing licensed
27 to practice in the State of California, experienced in prosecutorial
28 or administrative disciplinary proceedings and competent in the
29 management and supervision of attorneys performing those
30 functions.

31 (c) The Attorney General shall ensure that the Health Quality
32 Enforcement Section is staffed with a sufficient number of
33 experienced and able employees that are capable of handling the
34 most complex and varied types of disciplinary actions against the
35 licensees of the ~~board~~ boards.

36 (d) Funding for the Health Quality Enforcement Section shall
37 be budgeted in consultation with the Attorney General from the
38 special funds financing the operations of the Medical Board of
39 California, the California Board of Podiatric Medicine, the Board
40 of Psychology, *the Physical Therapy Board of California*, and the

1 committees under the jurisdiction of the Medical Board of
2 California, with the intent that the expenses be proportionally
3 shared as to services rendered.

4 (e) This section shall become operative January 1, 2014.

5 *SEC. 83. Section 12529.5 of the Government Code, as amended*
6 *by Section 115 of Chapter 332 of the Statutes of 2012, is amended*
7 *to read:*

8 12529.5. (a) All complaints or relevant information concerning
9 licensees that are within the jurisdiction of the Medical Board of
10 California, the California Board of Podiatric Medicine, or the
11 Board of Psychology, *or the Physical Therapy Board of California*,
12 shall be made available to the Health Quality Enforcement Section.

13 (b) The Senior Assistant Attorney General of the Health Quality
14 Enforcement Section shall assign attorneys to assist the boards in
15 intake and investigations and to direct discipline-related
16 prosecutions. Attorneys shall be assigned to work closely with
17 each major intake and investigatory unit of the boards, to assist in
18 the evaluation and screening of complaints from receipt through
19 disposition and to assist in developing uniform standards and
20 procedures for the handling of complaints and investigations.

21 A deputy attorney general of the Health Quality Enforcement
22 Section shall frequently be available on location at each of the
23 working offices at the major investigation centers of the boards,
24 to provide consultation and related services and engage in case
25 review with the boards' investigative, medical advisory, and intake
26 staff. The Senior Assistant Attorney General and deputy attorneys
27 general working at his or her direction shall consult as appropriate
28 with the investigators of the boards, medical advisors, and
29 executive staff in the investigation and prosecution of disciplinary
30 cases.

31 (c) The Senior Assistant Attorney General or his or her deputy
32 attorneys general shall assist the boards ~~or committees~~ in designing
33 and providing initial and in-service training programs for staff of
34 the boards ~~or committees~~, including, but not limited to, information
35 collection and investigation.

36 (d) The determination to bring a disciplinary proceeding against
37 a licensee of the boards shall be made by the executive officer of
38 the boards ~~or committees~~ as appropriate in consultation with the
39 senior assistant.

40 (e) This section shall become operative January 1, 2014.

1 *SEC. 84. No reimbursement is required by this act pursuant*
2 *to Section 6 of Article XIII B of the California Constitution because*
3 *the only costs that may be incurred by a local agency or school*
4 *district will be incurred because this act creates a new crime or*
5 *infraction, eliminates a crime or infraction, or changes the penalty*
6 *for a crime or infraction, within the meaning of Section 17556 of*
7 *the Government Code, or changes the definition of a crime within*
8 *the meaning of Section 6 of Article XIII B of the California*
9 *Constitution.*

10 ~~SECTION 1. Section 2602 of the Business and Professions~~
11 ~~Code is amended to read:~~

12 ~~2602. The Physical Therapy Board of California, hereafter~~
13 ~~referred to as the board, shall enforce and administer this chapter.~~

14 ~~This section shall remain in effect only until January 1, 2018;~~
15 ~~and as of that date is repealed, unless a later enacted statute, that~~
16 ~~is enacted before January 1, 2018, deletes or extends that date.~~

17 ~~Notwithstanding any other provision of law, the repeal of this~~
18 ~~section renders the board subject to review by the appropriate~~
19 ~~policy committees of the Legislature.~~

20 ~~SEC. 2. Section 2607.5 of the Business and Professions Code~~
21 ~~is amended to read:~~

22 ~~2607.5. (a) The board may appoint a person exempt from civil~~
23 ~~service who shall be designated as an executive officer and who~~
24 ~~shall exercise the powers and perform the duties delegated by the~~
25 ~~board and vested in him or her by this chapter.~~

26 ~~(b) This section shall remain in effect only until January 1, 2018;~~
27 ~~and as of that date is repealed, unless a later enacted statute, that~~
28 ~~is enacted before January 1, 2018, deletes or extends that date.~~